

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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BRENDAN SULLIVAN,

Plaintiff,

v.

SUNG KOOK (“BILL”) HWANG,  
ARCHEGOS CAPITAL MANAGEMENT, LP,  
ARCHEGOS CAPITAL MANAGEMENT, LLC, THE  
GRACE AND MERCY FOUNDATION, INC.,  
ARCHEGOS FUND LP, EWM LLC, d/b/a EWM  
GLOBAL, ANDY MILLS, DIANA PAE, BRIAN  
JONES, SCOTT BECKER, and PATRICK HALLIGAN,

Defendant.

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Civil Action No.:  
22-cv-5675

**NOTICE OF  
MOTION**

PLEASE TAKE NOTICE that, upon the accompanying declaration of Joseph B. Schmit, dated November 21, 2023, with exhibits; and the supporting memorandum of law dated November 21, 2023, Defendant will move this Court before the Hon. Paul G. Gardephe, United States District Judge, at the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, NY 10007, on a date and time to be set by the Court for an Order:

1. Pursuant to Federal Rule of Civil Procedure 12(b)(6), to dismiss the Amended Complaint of Plaintiff, Brandon Sullivan, on the ground that it fails to state a claim upon which relief may be granted; and
2. Granting such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that pursuant to the Court's Order dated October 18, 2023, Plaintiff shall file a response by December 19, 2023, and Defendants shall file a reply by January 3, 2024.

Dated: New York, New York  
November 21, 2023

PHILLIPS LYTLE LLP

By: /s/ Joseph B. Schmit  
Joseph B. Schmit  
Trent J. Citarella  
Eric Robert Freiman

Attorneys for Defendant  
*EWM LLC d/b/a EWM Global*  
The New York Times Building  
620 Eighth Avenue, 38th Floor  
New York, New York 10018-1142  
Tel. No. (212) 759-4888  
jschmit@phillipslytle.com  
tcitarella@phillipslytle.com  
efreiman@phillipslytle.com

Michael Joseph Bowe  
BROWN RUDNICK LLP  
7 Times Square  
New York, NY 10036  
Telephone: 212-209-4905  
Facsimile: 212-209-4801  
mbowe@brownrudnick.com

Meghan McCafferty (pro hac vice)  
Richard Darst (pro hac vice)  
BROWN RUDNICK LLP  
One Financial Center  
Boston, MA 02128  
Telephone: 617-856-8236  
mmccafferty@brownrudnick.com  
rdarst@brownrudnick.com

*Attorneys for Plaintiff*

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